

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**U.S. SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**SPONGETECH DELIVERY SYSTEMS, INC.,
RM ENTERPRISES INTERNATIONAL, INC.,
STEVEN Y. MOSKOWITZ, MICHAEL E.
METTER, GEORGE SPERANZA, JOEL
PENSLEY, and JACK HALPERIN,**

Defendants.

**Civil Action
No. 10-CV-2031 (DLI) (JMA)**

STIPULATED (AND PROPOSED) PROTECTIVE ORDER

Plaintiff Securities and Exchange Commission (“Commission”) and Defendants Steven Moskowitz, Michael Metter, Joel Pensley, Jack Halperin, and Spongetech Delivery Systems, Inc., each hereby stipulates to entry of a protective order, as follows:¹

1. With regard to documents, other materials and the information contained therein (collectively “Documents”) that any party receives or has received in this case from the opposing party through discovery or otherwise under Fed.R.Civ.P. 26(a), he or it will treat any confidential or proprietary business information, financial or personal identifying information (including material identified in Fed. R. Civ. P. 5.2(a), home addresses, and home phone numbers), as confidential, and he or it will not disclose or use such information other than for purposes of litigating this case; however, this provision will not prohibit the SEC from using or disclosing

¹ Defendants RM Enterprises and George Speranza have not appeared in this action. The SEC has moved for default judgment against both Defendants. Defendant Spongetech Delivery Systems, Inc., is currently in bankruptcy and has had a bankruptcy trustee appointed over it.

such Documents to the extent otherwise required by law or permitted pursuant to the terms of SEC Form 1662.

2. Pursuant to Federal Rule of Evidence 502, each of the parties stipulates as follows with regard to any Documents that he or it receives or has received from the opposing party through discovery or otherwise under Fed.R.Civ.P. 26(a):

(a) To facilitate the expeditious production of Documents, the parties agree that the inadvertent disclosure Documents that are protected by any valid claim of privilege, or any valid claim that the Documents are trial preparation material or work-product, will not by itself constitute a waiver of such privileges or protections;

(b) In order for any inadvertent disclosure to constitute a waiver, the receiving party must have changed his position by incorporating the Documents into his trial preparation in reasonable reliance on the non-privileged or non-protected nature of the document.

Dated: June 2, 2011

Respectfully submitted,

FOR PLAINTIFF U.S. SECURITIES AND
EXCHANGE COMMISSION:

FOR DEFENDANT MICHAEL METTER:

/s/Jeffrey Tao
Jeffrey T. Tao
U.S. SECURITIES AND EXCHANGE COMMISSION
100 F Street, NE
Washington, D.C. 20549-4010
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/s/ Maranda Fritz
Maranda Fritz
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FOR DEFENDANT JACK HALPERIN

/s/ Jerry Selvers

Jerry Selvers
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FOR DEFENDANT STEVEN MOSKOWITZ

/s/ Michael Bachner

Michael Bachner
Bachner & Associates, P.C.
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FOR DEFENDANT JOEL PENSLEY

/s/ Roger Fidler

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FOR DEFENDANT SPONGETECH
DELIVERY SYSTEMS, INC.

/s/ Anthony Acampora

Anthony Acampora
Counsel for Trustee
Silverman Acampora LLP
100 Jericho Quadrangle
Suite 300
Jericho, NY 11753

SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2011, the foregoing document was filed electronically with the Clerk of the Court and served electronically to the following:

Maranda Fritz
Hinshaw & Culbertson LLP
780 Third Ave., 4th Floor
New York, New York, 10017
Counsel for Michael Metter

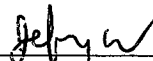
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Counsel for Jack Halperin

Roger Fidler
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Counsel for Joel Pensley

The Motion will be sent by regular mail to:

Kenneth Silverman
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100 Jericho Quadrangle
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Jericho, NY 11753
Trustee for Spongetech Delivery Systems, Inc.



Jeffrey T. Tao